

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**UNITED STATES OF AMERICA,**

*Plaintiff*

**v.**

**STATE OF TEXAS,**

*Defendant.*

**CIVIL No. 7:25-cv-00055-O**

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**PROPOSED INTERVENORS' SECOND SUPPLEMENT TO APPENDIX IN SUPPORT  
OF EMERGENCY MOTION TO INTERVENE,  
(1) EMERGENCY MOTION TO ALTER OR AMEND JUDGMENT UNDER RULE  
59 AND/OR FOR RELIEF UNDER RULE 60(b), and  
(2) EMERGENCY MOTION FOR STAY OF FINAL JUDGMENT**

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Proposed Intervenors Austin Community College ("ACC"), La Unión del Pueblo Entero ("LUPE"), and Oscar Silva ("Silva") file this Second Supplement to Appendix in Support of the above-referenced motions.

<b>Ex.</b>	<b>Description</b>	<b>App. Pages</b>
<b>19</b>	Declaration of Oscar Silva dated July 18, 2025	<b>186--187</b>
<b>20</b>	Texas Higher Education Coordinating Board Memorandum to Chancellors and Presidents of Higher Education dated July 18, 2005 regarding Revised Affidavit with attachment	<b>188-190</b>

Dated: July 21, 2025

Respectfully submitted,

/s/ Andrés Correa

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**ATTORNEYS FOR PROPOSED  
INTERVENORS LA UNIÓN DEL  
PUEBLO ENTERO, AUSTIN  
COMMUNITY COLLEGE, AND  
OSCAR SILVA**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 21, 2025, a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF system which sends notice of electronic filing to all counsel of record.

/s/ Andrés Correa  
Andrés Correa

# EXHIBIT 19

**DECLARATION OF OSCAR SILVA**

I, Oscar Silva, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I make this declaration based on my personal knowledge except where I have indicated otherwise. If called as a witness, I could and would testify competently and truthfully to the statements in this declaration.
2. I am a student enrolled at the University of North Texas ("UNT"). I am in a joint Bachelor's and Master's program. I expect to graduate in Spring 2026 with a B.S. in Economics and a B.S. and M.S. in Accounting.
3. I qualify for in-state tuition only because I meet the requirements of the Texas law commonly known as the Texas Dream Act. I can afford my education only because of the Texas Dream Act.
4. At the time I make this statement, if asked to provide documentation showing my lawful presence in the United States, I will not be able to provide such documentation to UNT.
5. It is my understanding that, because of the Consent Order, if I do not provide such documentation, I will be required to pay the out-of-state tuition rate. I would likely be forced to withdraw from UNT before completing my degree if I am charged the out-of-state rate.

*Oscar Silva*

Oscar Silva

Executed this 18<sup>th</sup> day of July 2025 in Denton, Texas

# EXHIBIT 20

[VACANT]  
CHAIR

Stacy A. Hock  
VICE CHAIR

S. Javaid Anwar  
SECRETARY OF THE BOARD

Lisa D. Cantu  
STUDENT REPRESENTATIVE

Richard L. Clemmer  
Emma C. Nevarez  
Juan J. Nevarez  
Ashlie A. Thomas  
Welcome Wilson, Jr.  
Daniel O. Wong

Wynn Rosser, PhD  
COMMISSIONER OF HIGHER  
EDUCATION

## Memorandum

To: Chancellors and Presidents of Public Institutions

From: Wynn Rosser, PhD, Commissioner of Higher Education

Date: July 18, 2025

Subject: Revised Affidavit

Dear Chancellors and Presidents,

As you are aware, on June 4, 2025, a federal court entered an order enjoining the application of a Texas law that provided in-state "resident" tuition for students who are not U.S. citizens and may be unlawfully present in the United States. The Coordinating Board is in the process of amending its rules to comply with the court's order. In accordance with the court's order, the Coordinating Board will revise by rule the affidavit form currently located in Rule 21.25(a). Each institution may use the attached revised affidavit to establish the eligibility of a student who is not a U.S. citizen for resident tuition during the Fall 2025 semester, in compliance with Section 54.053(3) of the Texas Education Code, as limited by the court's order.

Attachment: [Revised Affidavit](#)

c: Institution Liaisons

Sarah Keyton, Deputy Commissioner, Administration, THECB

Nichole Bunker-Henderson, General Counsel, THECB

Arby Gonzales, Assistant Commissioner, Internal Audit & Compliance, THECB



**AFFIDAVIT**

**STATE OF TEXAS**

§  
§  
§  
§

**COUNTY OF** \_\_\_\_\_

Before me, the undersigned Notary Public, on this day personally appeared. \_\_\_\_\_,  
known to me, who being by me duly sworn upon his/her oath, deposed and said:

1. My name is \_\_\_\_\_. I am \_\_\_\_\_ years of age. I have personal knowledge of the facts stated herein and they are all true and correct.
2. I graduated or will graduate from a Texas high school or received my State of Texas Certificate of High School Equivalency prior to the start of the term for which I am applying for admission.
3. I resided or will have resided in Texas for thirty-six months preceding graduation from a Texas high school or receiving my State of Texas Certificate of High School Equivalency.
4. I have resided or will have resided in Texas for the twelve-months immediately preceding the census date of the semester in which I will enroll in \_\_\_\_\_.  
(college/university)
5. I am able to demonstrate to the institution at which I seek to enroll that I am lawfully present in the United States.
6. I have filed or will file an application to become a permanent resident of the United States as soon as I am eligible to do so; and
7. I understand that it is a crime under section 37.10 of the Texas Penal Code to knowingly submit false information in this affidavit.

In witness whereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Student I.D. #)

\_\_\_\_\_  
(Student Date of Birth)

**SUBSCRIBED TO AND SWORN TO BEFORE ME**, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
to certify which witness my hand and official seal.

\_\_\_\_\_  
Notary Public in and for the State of Texas